

EXHIBIT C

United States District Court
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

UNITED STATES OF AMERICA,

CR ^{V.} 10 0231

2010 MAR 30 PM 2:57
FILED
RICHARD H. WIEKING
CLERK, U.S. DISTRICT COURT
JSW

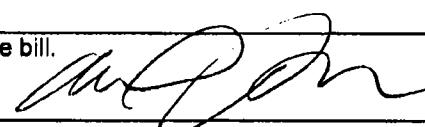
CHUNG CHENG YEH, a.k.a. ALEX YEH,

DEFENDANT(S).

INDICTMENT

Title 15 U.S.C. Section 1 (Conspiracy in Restraint of Trade)
COUNT 1

A true bill.


Foreman

Filed in open court this 30th day of

March 2010


PETTY P. LEE

Clerk

W. Earl Warren


Bail, \$ _____


EDWARD M. CHEN
UNITED STATES MAGISTRATE JUDGE

0810-23XJSW

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

Title 15 U.S.C. Section 1 -- Conspiracy in Restraint of Trade

Petty
 Minor
 Misdemeanor
 Felony

PENALTY: See attachment.

Name of District Court, and/or Judge/Magistrate's Name

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

CHUNG CHENG YEH, a.k.a. ALEX YEH

DISTRICT COURT NUMBER

10 0231 JSW

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FEDERAL BUREAU OF INVESTIGATION

person is awaiting trial in another Federal or State Court,
 give name of court

this person/proceeding is transferred from another district
 per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprocution of
 charges previously dismissed
 which were dismissed on motion of:

U.S. ATTORNEY DEFENSE

this prosecution relates to a
 pending case involving this same
 defendant

prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

Name and Office of Person
 Furnishing Information on this form JOSEPH P. RUSSONIELLO

U.S. Attorney Other U.S. Agency

Name of Assistant U.S.
 Attorney (if assigned)Lidia Maher, Trial Attorney, ATF

Has detainer Yes
 been filed? No } If "Yes"
 If "No" give date filed

DATE OF ARREST Month/Day/Year

Or... If Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year This report amends AO 257 previously submitted

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

PENALTY SHEET

Individual: CHUNG CHENG YEH, a.k.a. ALEX YEH

Offense Charged: 15 U.S.C. Section 1 (Conspiracy in Restraint of Trade)

Maximum Penalties:

1. A fine in an amount equal to the largest of:
 - A. \$1,000,000.00
 - B. Twice the gross pecuniary gain derived from the crime.
 - C. Twice the gross pecuniary loss caused to the victims of the crime.
2. A term of imprisonment for ten years.
3. A term of supervised release of at least two years but not more than three years.
4. \$100 special assessment.
5. Restitution.

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2 MAY LEE HEYE (CSBN 209366)
3 TAI S. MILDEN (CSBN 267070)
Antitrust Division
4 U.S. Department of Justice
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5 Box 36046, Room 10-0101
San Francisco, CA 94102
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6 Attorneys for the United States

2010 MAR 30 P 251
FILED
RICHARD J. HORNUNG
CLERK US DISTRICT COURT
CIRCUIT CLERK'S OFFICE
SACRAMENTO, CALIFORNIA
EX-20100330-251

7 UNITED STATES DISTRICT COURT

8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 SAN FRANCISCO DIVISION

10
11 UNITED STATES OF AMERICA)
12 v.)
13 CHUNG CHENG YEH, a.k.a. ALEX YEH,)
14 Defendant.)
15

CR 10 0231
No. INDICTMENT JSW

VIOLATION:
Title 15, United States Code,
Section 1 (Conspiracy in Restraint of Trade)
San Francisco Venue

16
17 The Grand Jury charges that:

18 I.

19 DESCRIPTION OF THE OFFENSE

20 1. The following individual is hereby indicted and made defendant on the charge
21 stated below: CHUNG CHENG YEH, a.k.a. ALEX YEH.
22 2. Beginning at least as early as January 1997, until at least as late as March 2006,
23 the exact dates being unknown to the Grand Jury, coconspirators of the defendant joined, entered
24 into, and engaged in a combination and conspiracy to suppress and eliminate competition by
25 fixing prices, reducing output, and allocating market shares of color display tubes ("CDTs") to be
26 sold in the United States and elsewhere. The combination and conspiracy engaged in by the
27 defendant and coconspirators was in unreasonable restraint of interstate and foreign trade and
28 commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

INDICTMENT – PAGE 1

1 3. Defendant CHUNG CHENG YEH joined and participated in the conspiracy from
2 at least as early as May 1999 and continuing until at least March 2005.

3 4. The charged combination and conspiracy consisted of a continuing agreement,
4 understanding, and concert of action among the defendant and coconspirators, the substantial
5 terms of which were to agree to fix prices, reduce output, and allocate market shares of CDTs to
6 be sold in the United States and elsewhere for use in computer monitors and other products with
7 similar technological requirements.

II.

MEANS AND METHODS OF THE CONSPIRACY

10 5. For the purpose of forming and carrying out the charged combination and
11 conspiracy, the defendant and coconspirators did those things that they combined and conspired
12 to do, including, among other things:

- (a) attending meetings and engaging in conversations and communications in Taiwan, Korea, Malaysia, China, and elsewhere to discuss the prices, output, and market shares of CDTs;
- (b) agreeing during those meetings, conversations, and communications to charge prices of CDTs at certain target levels or ranges;
- (c) agreeing during those meetings, conversations, and communications to reduce output of CDTs by shutting down CDT production lines for certain periods of time;
- (d) agreeing during those meetings, conversations, and communications to allocate target market shares for the CDT market overall and for certain CDT customers;
- (e) exchanging CDT sales, production, market share, and pricing information for the purpose of implementing, monitoring, and enforcing adherence to the agreed-upon prices, output reduction, and market share allocation;
- (f) implementing an auditing system that permitted coconspirators to visit each

other's production facilities to verify that CDT production lines had been shut down as agreed;

- (g) authorizing and approving the participation of subordinate employees in the conspiracy;
- (h) issuing price quotations and reducing output in accordance with the agreements reached; and
- (i) taking steps to conceal the conspiracy and conspiratorial contacts through various means.

III.

DEFENDANT AND COCONSPIRATORS

6. Defendant CHUNG CHENG YEH is a resident of Taiwan, Republic of China. From at least as early as May 1999 and continuing until at least March 2005, CHUNG CHENG YEH was employed by Company A and, beginning in March 2002, was Director of Sales for Company A. During the period covered by this Indictment, Company A was a Taiwanese company engaged in the business of producing and selling, among other things, CDTs to customers in the United States and elsewhere.

7. Various corporations and individuals not made defendants in this Indictment participated as coconspirators in the offense charged in this Indictment and performed acts and made statements in furtherance of it.

8. Whenever in this Indictment reference is made to any act, deed, or transaction of any corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or through its officers, directors, employees, agents, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

IV.

TRADE AND COMMERCE

9. CDTs are a type of cathode ray tube. Cathode ray tubes consist of evacuated glass envelopes that contain an electron gun and a phosphorescent screen. When electrons strike the screen, light is emitted, creating an image on the screen. CDTs are the specialized cathode ray

tubes manufactured for use in computer monitors and other products with similar technological requirements.

10. During the period covered by this Indictment, Company A and coconspirators sold and distributed substantial quantities of CDTs in a continuous and uninterrupted flow of interstate and foreign trade and commerce to customers located in states or countries other than the states or countries in which Company A and coconspirators produced CDTs. In addition, payments for CDTs traveled in interstate and foreign trade and commerce.

11. During the period covered by this Indictment, the business activities of the defendant and coconspirators related to the sale and distribution of CDTs that are the subject of this Indictment were within the flow of, and substantially affected, interstate and foreign trade and commerce.

V.

JURISDICTION AND VENUE

12. The combination and conspiracy charged in this Indictment was carried out, in part, in the Northern District of California, within the five years preceding the filing of this Indictment.

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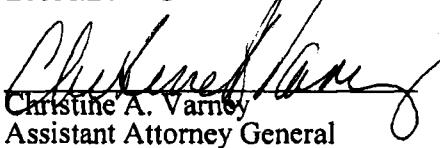
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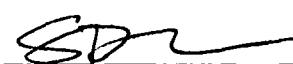
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INDICTMENT – PAGE 4

1 ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

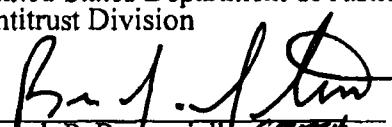
2 DATED: 30 March 2010

3 
4 Christine A. Varney
5 Assistant Attorney General

6 
7 Scott D. Hammond
8 Deputy Assistant Attorney General

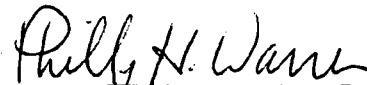
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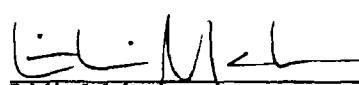
10 Marc Siegel
11 Director of Criminal Enforcement

12 United States Department of Justice
13 Antitrust Division

14 Joseph P. Russoniello 
15 United States Attorney 
16 Northern District of California
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A TRUE BILL


1 FOREPERSON


2 Phillip H. Warren

3 Chief, San Francisco Office

4

5 Lidia Maher
6 May Lee Heye
7 Tai S. Milder
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